UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	.	
BERKSHIRE PARTNERS LLC,	x : :	
Plaintiff,	:	Index No. 08-CV-00556 (GEL)
-against-	:	
BALL CORPORATION,	:	NOTICE OF MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS
Defendant.	: : :	
	x	

PLEASE TAKE NOTICE that, upon the annexed Declaration of Jerome C. Katz dated May 19, 2008, and the exhibit thereto, upon Plaintiff's Memorandum of Law in Support of Its Motion for Partial Judgment on the Pleadings dated May 19, 2008, and upon all of the pleadings and proceedings previously had herein, plaintiff Berkshire Partners LLC ("Berkshire") will move this Court before the Honorable Gerard E. Lynch, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, for an order pursuant to Rule 12(c) of the Federal Rules of Civil Procedure granting Berkshire's motion for partial judgment on the pleadings and granting such other and further relief as this Court may deem just and proper.

Dated: May 19, 2008

ROPES & GRAY LLP

By /s/ Jerome C. Katz
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